

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

Civil Action No. 5:21-CV-507-D

KATELIND RINER, on behalf of herself
and others similarly situated,

Plaintiffs,

v.

RADEAS, LLC,

Defendant.

**JOINT MOTION TO APPROVE
SETTLEMENT UNDER THE FAIR
LABOR STANDARDS ACT**

NOW COME Plaintiffs, Katelind Riner, on behalf of herself and others similarly situated (“Plaintiff”), and Defendant, Radeas, LLC (“Defendant”) (collectively the “Parties”), by and through their undersigned counsel, and jointly move the Court for entry of an Order approving their settlement of this action pursuant to the Fair Labor Standards Act. A copy of the Settlement Agreement is attached hereto as Exhibit A. In support of this motion, the Parties state as follows:

1. On November 5, 2021, Plaintiff filed a Complaint in this putative collective action, in the North Carolina General Court of Justice, Wake County Superior Court Division, asserting claims under the North Carolina Wage and Hour Act (“NCWHA”), N.C. Gen. Stat. § 95-25.1, *et seq.*; the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*; and wrongful termination in violation of North Carolina Public Policy [DE-1-1].

2. Specifically, with respect to her FLSA claim, Plaintiff alleges she, along with putative class members, was misclassified and should have been paid overtime for all hours worked in excess of 40 hours per work week. Plaintiff seeks unpaid wages and liquidated damages, in addition to attorneys’ fees.

3. Defendant denies Plaintiff's allegations, and in the alternative, claims its interpretation of the FLSA was reasonable and that there was no willful violation, which would preclude Plaintiff from obtaining liquidated damages.

4. The Parties engaged in substantial discovery, producing scheduling, time, and pay records, policies, and emails.

5. On January 5, 2023, the Parties mediated the action and reached an agreement to settle this matter in its entirety.

6. As set forth in the Memorandum in Support of Joint Motion to Approve Settlement Under the Fair Labor Standards Act filed contemporaneously with this motion, the settlement agreement reached by the Parties represents a fair, just, and reasonable resolution of Plaintiff's FLSA claim.

7. The Parties engaged in an arms-length settlement negotiation, seeking to resolve a *bona fide* dispute between them. By entering into a settlement, the Parties will conserve substantial time and expense that would have been required to further litigate the case and/or prepare for and hold a trial.

8. In addition to the settlement of Plaintiff's FLSA claim, the Parties have also reached agreement to settle Plaintiff's remaining claims. Because the compromise of those claims is not subject to court approval, the Parties intend to enter into a separate General Release, supported by appropriate consideration.

9. However, in evaluating the terms of the Settlement Agreement, it is important to note the Parties' desire to settle all of Plaintiff's claims and effect a complete settlement and release of all such claims.

10. The Parties request that the Court approve the Settlement Agreement so that the settlement may be consummated and this action may be dismissed in its entirety with prejudice.

WHEREFORE, the Parties respectfully request that the Court grant their joint motion and enter an approving the Settlement Agreement.

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Respectfully submitted, this 17th day of February, 2023.

MICHAEL BEST & FRIEDRICH LLP

/s/ Beth A. Stanfield

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the forgoing **JOINT MOTION TO APPROVE SETTLEMENT UNDER THE FAIR LABOR STANDARDS ACT** with the Clerk of Court for the United States District Court, Eastern District of North Carolina, using the electronic filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented to accept service by electronic means.

Dated this 17th day of February, 2023.

/s/ Beth A. Stanfield

Beth A. Stanfield